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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,200	01/22/2004	Hsieh Kun Lee		8075

25859 7590 06/01/2007
WEI TE CHUNG
FOXCONN INTERNATIONAL, INC.
1650 MEMOREX DRIVE
SANTA CLARA, CA 95050

EXAMINER

WIEHE, NATHANIEL EDWARD

ART UNIT	PAPER NUMBER
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3745

MAIL DATE	DELIVERY MODE
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06/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/764,200	LEE ET AL.	
	Examiner	Art Unit	
	Nathan Wiehe	3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-20 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>01222004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 22 January 2004 is noted. The submission is in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8-10 and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hardin (6,556,437). Hardin discloses a mounting device assembly including a chassis including a plurality of electronic components (Hardin column 2, lines 17-23) and a mounting device for mounting fans (410) to the chassis. The mounting device includes a tray (605) mounted to the chassis and a plurality of brackets, composed of bracket halves (405). The bracket comprises a closed end (305) and an opposed open end, in a U-shaped cross-section and dimensioned in compliance with the fan (410)

(Hardin column 5, lines 19-27). The tray includes a plurality of pairs of mounted sections (610) each fixedly engaging with a corresponding bracket. Both the tray and the brackets are discrete from one another and are of a U-shaped cross-section.

In regard to claim 8, the limitation "the brackets being fixed with respect to the tray before the fans are mounted to the chassis" is been treated as a product by process limitation; that is, that the burner panel is made by compression molding. As set forth in MPEP 2113, product by process claims are NOT limited to the manipulations of the recited steps, only to the structure implied by the steps. Once a product appearing to be substantially the same or similar is found, a 35 U.S.C. 102/103 rejection may be made and the burden is shifted to applicant to show an unobvious difference. See MPEP 2113.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4,6 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardin (6,556,437) in view of Schmidt (6,077,037). Hardin discloses a mounting device assembly including a chassis including a plurality of electronic components (Hardin column 2, lines 17-23) and a mounting device for mounting fans (410) to the chassis. The mounting device includes a tray (605) mounted to the chassis and a plurality of brackets, composed of bracket halves (405). The bracket comprises a

closed end (305) and an opposed open end, in a U-shaped cross-section. The brackets further include outlets corresponding to the outlet of the fan and having a core in the center of the outlet and a plurality of ribs extending between the core and the peripheral portions of the side plate surrounding the outlet (See Fig. 1A). The brackets include post (130) in the inner side of the side plate received within corresponding mounting apertures (435) in the fan for positioning the fan in the corresponding bracket. Hardin does not disclose the use of a plurality of fasteners locking open ends of the brackets. Schmidt discloses the use of a plurality of fasteners (80). Schmidt's fasteners (80) secure fans to a bracket at its open end (46). The fasteners include locking ends (100) that engage within the locking holes (23,25) of the fan. The use of fasteners by Schmidt provides an inexpensive but effective way of securing fan assemblies while allowing for rapid exchange of the fan assemblies without the use of tools (Schmidt column 3, lines 31-34). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mounting device of Hardin by including fasteners as taught by Schmidt for the purpose of securing the fans while allowing for rapid exchange of the fans without the use of tools.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hardin (6,556,437) in view of Schmidt (6,077,037) as applied to claim 4 above, and further in view of Huang et al. (6,504,716), hereinafter "Huang". The modified invention of Hardin discloses the invention substantially as claimed except for the use of fingers on the core for holding leads of the fan. However, it is well known in the art of fan mounting devices to provide "fingers" for holding the leads of the fan for the purpose of preventing

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entanglement and wear of the leads. Specifically Huang discloses a "finger" element located on the core of a fan bracket used to hold the leads (15) of a fan. It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the invention of Hardin by including fingers on the core for holding the fan leads for the purpose of preventing entanglement and wear of the leads.

Allowable Subject Matter

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

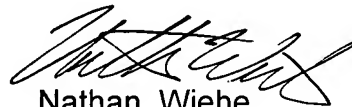
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Wiehe whose telephone number is (571)272-8648. The examiner can normally be reached on Mon.-Thür. and alternate Fri., 7am-4:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571)272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Nathan Wiehe
Examiner
Art Unit 3745



EDWARD K. LOOK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

5/29/07